

**NEVADA DEPARTMENT OF
CONSERVATION & NATURAL RESOURCES**

STATE ENVIRONMENTAL COMMISSION

HEARING ARCHIVES FOR

REGULATORY PETITIONS

COMMISSION PETITION NO. 93004

LEGISLATIVE COUNSEL BUREAU (LCB) FILE NO. R-047-93

DOCUMENTS INCLUDED IN THIS FILE:

YES SECRETARY OF STATE FILING FORM

YES DISCLOSURE STATEMENT PURSUANT TO NRS 233B

REGULATORY PETITIONS

ORIGINAL DRAFTED BY COMMISSION

ADOPTED BY COMMISSION

YES AS FILED AND CODIFIED BY LCB

Secretary of State
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Governor's Signature

**Environmental
Commission**

Classification [] Proposed [] Adopted By Agency [XX] Temporary [] Emergency []

Brief description of action: SEC Petition 93004 (LCB R-047-93) is a permanent amendment to NAC 445.717. The amendment is to remove the list of criteria pollutants from the list of toxic or hazardous air contaminants. The amendment also reflects the current title of the toxic publication.

Authority citation other than 233B: NRS 445.461

Notice date:

Temporary - March 16, March 26 and April 7, 1993

Permanent - August 24, September 8, and September 16, 1993

Hearing date:

Temporary - April 15, 1993

Permanent - September 22, 1993

Date of Adoption of Agency:

Temporary - April 15, 1993

Permanent - September 22, 1993

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED
BY ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066
PETITION 93004
LCB R-047-93**

The following statement is submitted for adopted permanent amendments to Nevada Administrative Code Section 445.717.

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Petition 93004 was noticed six (6) times: 3-16-93, 3-26-93, 4-7-93, 8-24-93, 9-8-93 and 9-16-93 in the Las Vegas Review-Journal and Reno Gazette-Journal.

2. A description of how comment was solicited from affected businesses, a summary of their response, and a explanation how other interested persons may obtain a copy of the summary.

Comments were solicited from affected businesses by the notices in the newspapers, as outlined in #1. Written comment was received prior to the hearing from the Clark County Sanitation District, Nevada Power Company, Southern California Edison Company. All three commenters supported the proposed amendments. Clark County Sanitation District requested additional language (which was considered and rejected at the public hearing). Oral testimony was presented at the hearing by Sierra Pacific Power Company supporting the proposed amendments. After receipt of testimony the State Environmental Commission modified the proposed amendment by acknowledging, with appropriate language, that the criteria pollutants are still considered "toxic or hazardous air contaminants". A copy of the summary may be obtained from the State Environmental Commission.

3. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.

This was previously a temporary regulation adopted on April 15, 1993 with a change to clarify the fact that the criteria pollutants are still considered toxic or hazardous air contaminants. With no further public comments the permanent regulation was adopted at the SEC hearing on September 22, 1993.

4. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects: and
- (b) Both immediate and long-term effects.

Page 2 - SEC Information Statement - Petition 93004

- a. There are no adverse or beneficial economic effects on the public or regulated sources.
- b. There are no immediate or long-term economic effects on regulated sources. There are no immediate or long-term economic effects on the public.

5. The estimated cost to the agency for enforcement of the proposed regulation.

There is no additional cost to the agency for enforcement of the proposed regulation.

6. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary.

There are no other state or government agency regulations which the proposed amendments duplicate.

**CODIFIED PERMANENT REGULATION OF THE
NEVADA STATE ENVIRONMENTAL COMMISSION
LCB File No. R-047-93**

EXPLANATION--Matter in italics is new; matter in brackets [] is material to be omitted.

AUTHORITY: NRS 445.461

Section 1. NAC 445 of NAC is hereby amended by adding thereto a new section to read as follows:

"Threshold Limit Values and Biological Exposure Indices for 1987-1988," adopted by the American Conference of Governmental Industrial Hygienists, is hereby adopted by reference. A copy of that publication can be purchased for the price of \$6 from the American Conference of Governmental Industrial Hygienists, 6500 Glenway Avenue, Building D-7, Cincinnati, Ohio 45211.

Sec. 2. NAC 445.430 is hereby amended to read as follows:

445.430 As used in NAC 445.430 to 445.846, inclusive, *and section 1 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 445.432 to 445.655 inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NAC 445.6435 is hereby amended to read as follows:

445.6435 "Toxic factor" means the airborne concentration of an air contaminant to which workers may be repeatedly exposed without adverse effects, and has the meaning ascribed to "threshold limit value" by **[the publication titled]** "Threshold Limit Values and Biological Exposure Indices for **[1987-1988, adopted by the American Conference of Governmental Industrial Hygienists. That publication is hereby adopted by reference, and a copy can be purchased for the price of \$5 from the American Conference of**

Governmental Industrial Hygienists, 6500 Glenway Avenue, Building D-7, Cincinnati, Ohio 45211.] 1987-1988."

Sec. 4. NAC 445.717 is hereby amended to read as follows:

445.717 *1.* A substance is a toxic or hazardous air contaminant if:

[1. It]

(a) Except as otherwise provided in subsection 2, it is listed in "Threshold Limit Values [for Chemical Substances in the Work Environment] *and Biological Exposure Indices for 1987-88*" and the allowable concentration is based upon the toxicity of the substances; or

[2.] (b) The director determines that it causes or contributes to air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, unless a federal standard for the quality of ambient air, standard for the quality of ambient air adopted by the commission, performance standard for a new source of air pollutants under 40 C.F.R. Part 60 or national standard for emission of hazardous air pollutants under 40 C.F.R. Part 61 applies.

2. Paragraph (a) subsection 1 does not apply to a substance listed in NAC 445.843.

END OF PETITION 93004 (LCB R-047-93)